

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

<u>In Re: STONY POINT LAND, INC.</u>)	
)	
)	Case No. 10-31740-KRH
)	Chapter 11
Debtor.)	
<hr/>)	
)	
STONY POINT LAND, INC.,)	
)	
Plaintiff,)	
)	
v.)	APN 10-03105-KRH
)	
SIMONS HAULING COMPANY, INC.,)	
)	
Defendant.)	
<hr/>)	

MOTION OF COUNSEL FOR THE DEFENDANT TO WITHDRAW

This case, initially filed in the Circuit Court of the City of Richmond, was removed to this Court by the plaintiff after the plaintiff filed for Chapter 11 bankruptcy. Hubbard, Terry & Britt, P.C. was counsel of record for the defendant in the state Court action.

Hubbard, Terry & Britt, P.C. and Michael L. Donner, Sr., Esq. hereby move to withdraw as counsel for the defendant, Simons Hauling Company, Inc. The defendant has not retained Hubbard, Terry & Britt, P.C. to continue representing the defendant in this Court.

Undersigned counsel has conferred with opposing counsel regarding this motion; and opposing counsel does not oppose the motion.

NOTICE OF MOTION

Hubbard, Terry, and Britt, P.C. (“HTB”) , by Michael L. Donner, Sr., Esq., counsel for the defendant in this adversary proceeding, has filed papers with the bankruptcy court asking the Court to relieve HTB as counsel of record in this adversary proceeding.

YOUR RIGHTS MAY BE AFFECTED. You should read these papers carefully and discuss them with your attorney if you have one in this bankruptcy case. This is a motion by Simons Hauling Company, Inc.’s attorney to withdraw from representing Simons Hauling Company, Inc. in this adversary proceeding. You may consult with HTB or any other attorney of your choosing about this motion.

If you do not want the Court to grant the relief sought in the motion, or if you want the Court to consider your views on the motion, then you must attend a hearing to be scheduled at a later date. You will receive separate notice of the hearing. **If no timely response is filed opposing the relief requested, the Court may grant the relief without holding a hearing.**

If you or your counsel do not take these steps, the Court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

NOTICE PURSUANT TO LBR 9013-1(M)(2)

Under Local Bankruptcy Rules 9013-1(M)(2) and (H)(3)(b), unless a written response to this motion and supporting memorandum are filed with the Clerk of Court and served on the moving party at least 7 days before the scheduled hearing date, the Court may deem any opposition waived, treat the motion as conceded, and issue an order granting the requested relief without further notice or hearing.

FURTHER NOTICE TO SIMONS HAULING COMPANY

This is a motion where Simons Hauling Company, Inc.'s ("SHC's") counsel is moving to withdraw as counsel of record for SHC. Please be advised of the following. Local Bankruptcy Rule 9010-1 (set forth in full below) provides that SHC, being a corporation, cannot represent itself going forward in this Adversary Proceeding. SHC must retain new counsel to represent itself.

LBR 9010-1: Requirement for Counsel: Except for filing or withdrawing a proof of claim, request for notices or notice/service, notice of appearance, reaffirmation agreement, creditor change of address, transfer of claim or a transcript of court proceedings, no party or entity other than a natural person acting in his or her own behalf or, to the extent permitted by §304(g) of Pub. L. 103-394, a child support enforcement agency, may appear in a bankruptcy case or proceeding, sign pleadings, or perform any act constituting the practice of law except by counsel permitted to appear under LBR 2090-1. This Local Bankruptcy Rule applies to corporations, partnerships, limited liability companies, associations, and trusts, as well as to individuals acting in a representative capacity (such as under a power of attorney) for another. Any petition, pleading or paper, other than those set forth in this Local Bankruptcy Rule, filed on behalf of an entity that is not a natural person acting in his or her own behalf and not signed by counsel permitted to appear under LBR 2090-1 shall be stricken by the Clerk, or in the case of a petition, dismissed, unless the deficiency is cured within 14 days of the mailing or delivery of a notice of deficiency.

HUBBARD, TERRY & BRITT, P.C.

By: /s/ Michael L. Donner, Sr.
Of Counsel

Michael L. Donner, Sr., Esquire
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Counsel for Simons Hauling Company, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of September, 2010, a true and accurate copy of the foregoing was electronically filed with the Clerk of the court for the Eastern District of Virginia, Richmond Division, using the CM/ECF system, which thereby caused the above to be served electronically on all registered users of the ECF system that have filed notices of appearance in this matter, and mailed, by U.S. Mail, first class, postage prepaid, to the following:

Philip C. Baxa, Esquire
Sands Anderson, PC
1111 E. Main Street, 24th Floor (23219)
P. O. Box 1998
Richmond, Virginia 23218

Simons Hauling Company, Inc.
c/o Joey Simons
P.O. Box 7733
Richmond, Virginia 23231

Additionally, a copy of the foregoing pleading was served on Simons Hauling Company, Inc., c/o Joey Simons, by electronic mail, at the following address: joey@simonsinc.com.

/s/ Michael L. Donner, Sr.